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localized lineage within one settlement is certainly exogamous and there is also a bar to marriage into the maternal lineage. The clan, widely distributed in minor branches throughout Shilluk country, does not function as a corporate unit except at times of national festivals and then only in the sphere of ceremonial and ritual.

Marriage and Marriage Laws

As with the Nuer and Dinka, marriage among the Shilluk is achieved by the performance of recognized social procedures and the payment of bridewealth in the form of cattle, sheep, and goats. Nowadays, cash may be paid in addition to or in lieu of cattle, but not frequently and not in large sums.[1] It must be emphasized from the start that the Shilluk do not possess anything like the number of cattle owned by the Nuer and Dinka,[2] and for this reason alone the number of beasts paid as bridewealth is lower. Among the Nuer and Dinka the average ranges from fifteen to forty head of cattle according to the prevailing condition of the herds. Among the Shilluk the number is fixed at ten head, and although there have been times when few Shilluk were able to pay this number, it has been retained rigidly for several generations despite attempts by the Administration to reduce it. With sheep and goats, which are paid in addition but do not have the same significance, there is no such rigidity. The number of these seems to vary according to the attractions of the bride, though prevailing economic conditions doubtless play their part.

There is much to be found on the subject of marriage in the writings of Hofmayr, Westermann, and Seligman,[3] though many statements are misleading. This summary account of Shilluk marriage laws is based largely on the writings, both published and unpublished, of M. E. C. Pumphrey[4] who not only took into account previous literature but, as an administrator in Shilluk country for several years, had better opportunities to investigate the legal aspect of the subject. These are supplemented by my own direct observations.[5]

The Social Processes and Legality of Marriage

Pumphrey says:

> The marriage tie creates an obligation to pay cattle, but it is not created by or dependent upon such payment. To render a union a marriage only two things are essential. First there must be no positive barrier (such as known consanguinity between the parties . . .) and secondly there must be an offer and an acceptance. The offer and acceptance are symbolised by the man offering the woman's *got*[6] a sheep (*dyel dhok*). Acceptance of this sheep signifies acceptance of the suitor. The marriage is then complete.[7]

This transaction, which is limited to the immediate family of the parties to the marriage, is followed by *tiang mogho* (the brewing of beer) and a wedding dance (*mogho thiek*) to which many persons are invited and which therefore serves to make the union widely known. It is not, however, strictly correct to say that the marriage is,

[1] The tendency to use cash in lieu of cattle is apparently increasing.

[2] Ratio of human to cattle population: Shilluk 1:0·25; Nuer 1:2·3 (highest recorded).

[3] See Bibliography of the Shilluk, given in a previous article (*Africa*, xxii. 2).

[4] Pumphrey, 'The Shilluk Tribe', *S.N.R.*, vol. xxiv, 1941.

[5] Based on field work carried out in 1937 and on an investigation and analysis of the marriages of one Shilluk lineage carried out in 1948. The results are to be published later.

[6] Family group and legal guardians.

[7] Pumphrey, op. cit., p. 23.

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even at this stage, complete. The husband has not yet acquired full rights in his wife and does not do so until the cattle payments (*kany*) are at least substantially complete. It is, however, unlikely that the bride's kinsmen will consent to the *mogho thiek* unless they are satisfied with the payments.

Theoretically, the wife will not take up residence with her husband until these payments have been made in full and in any case not permanently until her first child has been born.[1] The fact that during this transitional stage, when the wife is still living with her family, adultery is regarded as a less serious offence (*kwor kwobo nian ajur*) than later when she is living with her husband (*kwor kwob cie dhano*), indicates that full legal rights in her have not yet passed to her husband. The girl is in fact only betrothed, though, as among the Nuer and Dinka, bethrothal carries with it a degree of legal union and certain rights. Though completion of cattle payments should coincide with change of residence, this is not often the case and frequently a man, tired of waiting and unable to find the final two or three head of cattle, elopes with his betrothed.[2]

Pumphrey also states:

> Thus the marriage tie is complete as soon as the proffered sheep has been accepted, the cattle payments being in the nature of a concomitant transaction. Accordingly children born after the marriage tie is complete are legitimate, irrespective of a possible deficiency in cattle payments. The criterion of legitimacy, a question often in dispute, is not the sufficiency of cattle payments, but the acceptance or otherwise of the proffered sheep.

Ultimately, however, a man's rights in his wife and his children must depend on the payment of cattle. Analysis of disputes over marriage payments show that unless these are sufficient to satisfy permanently the demands of the wife's kinsmen, the union is unlikely to last. This does not mean that the ten head of cattle required are always paid in full, but those owing remain as a debt in the second generation.

Thus it seems safe to assume that the *mogho thiek* should be regarded as the ultimate ceremony which marks not only the change of residence of the bride, but also the final transference of legal rights in her to her husband. In fact this will usually coincide with the payment of at least an acceptable proportion of the bridewealth cattle.

The Distribution of Bridewealth

Pumphrey states that:

> Professor Seligman was at pains to discover how the cattle were divided among the relatives of the wife, and especially what was the share of the maternal uncle. In fact, only in the case already described does he receive anything; i.e. when he claims from the bridewealth of his niece such cattle as are in arrears from the marriage of his sister.[3]

There is here, then, a very definite difference between the system of distribution of bridewealth among the Shilluk and that current among the Nuer and Dinka. Among the latter peoples, even in unions achieved by the transference of very small numbers of cattle, there must always be a definite portion set aside for the maternal kinsmen

[1] A further cow (over and above the ten head of cattle for bridewealth) is expected after the birth of the first child.

[2] This is not the same as the ceremonial and conventional abduction which forms part of the *mogho thiek* ceremonies. Pumphrey says: 'The *mogho thiek* . . . sometimes ends with the "violent" removal of the bride by the kinsmen of the bridegroom', op. cit., p. 28.

[3] Op. cit., pp. 28-29.

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644 836 lover is any less hard. In place of a recognised tribal fine or compensation he is now a victim of blackmail. The *nyireth* whom he is living with proceeds as follows 'Give me a cow or I will tell.' This may go on until the lover's capital is exhausted and the *nyireth* with her child or children moves off in search of further prey. The lover has no redress as the whole arrangement is outside tribal custom, and the *nyireth* prospers from her blackmail and promiscuity.[1]

614 644 684 836 671 I do not propose to discuss here the reasons for the bar against marriage or sexual intercourse with the daughters of reigning or former *reths*. I have sometimes heard Shilluk say that compensation for illicit intercourse with any woman of the royal clan should really go to the *reth*. There is, however, an obvious distinction between offences committed with daughters of *reths* and with other females of the royal clan. In the first case, all forms of sexual union are barred and any infringement of the rule is a crime against the *reth* himself and all he stands for. Moreover female *nyireths*, not being allowed to marry, are in a sense males. Hence sexual relationship with them by a male amounts to perversity and perversity is not a mere private delict but a spiritual offence likely to react upon society as a whole. Shilluk say that theoretically the *nyireth* and her lover should be put to death, but the offence is now compoundable by payment of a fine. The principles of punishment and expiation are involved, not merely restitution. In the case of all other female *kwareth*, the offence lies not in the fact of sexual relationship, but in an illicit relationship amounting to an infringement of rights which apply to all members of Shilluk society. The wrongdoer pays the [643] indemnity in order to right that wrong. In accepting compensation for offences against other women of the royal clan the *reth* is acting as the recognized head of that clan and has a right to receive and redistribute (which in fact he usually does) the wealth which belongs to the clan collectively. The former is therefore more nearly a criminal or public offence, the sanctions being penal, while the latter is a private delict involving the restitutory sanction only. It is worth noting that a closer study of this subject might well lead to a clearer picture of the spiritual functions of the [121] *reth* himself and through him of the royal clan, and also to a more reliable interpretation of his legal functions.

Conclusion

171 58 We may conclude by noting that Shilluk marriages have not the complexity, found both in the social processes and the transfer and distribution of bridewealth, which characterizes unions among their Nuer and Dinka neighbours. The principles are, however, comparable. Marriage is achieved by the performance of ceremonies which have both social and ritual aspects. Side by side with these ceremonies is the payment of bridewealth in cattle, goats, sheep, and sometimes cash. Neither is complete without the other and, generally speaking, each stage in the ceremonies is accompanied by further payments of cattle. The *mogho thiek*, the ultimate ceremony of marriage which corresponds approximately to the Nuer *nuot* and the Dinka *thok de thiek*, at any rate in its legal implications, will not be performed unless sufficient cattle have already been paid to satisfy the kinsmen of the bride. Conversely, the payment of cattle would not legalize the union without the accompanying ceremonies.

[1] W. P. G. Thomson: unpublished records, 1946.